

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

---

RG Golf Warehouse, Inc.,

Case No. 19-cv-585 (WMW/DTS)

Plaintiff,

v.

**ORDER**

The Golf Warehouse, Inc.,

Defendant.

---

Bryan Battina, Trepanier MacGillis Battina, P.A., 8000 Flour Exchange Bldg., 310 Fourth Ave. N., Minneapolis, MN 55415, for Plaintiff

Patrick Rooney, Fafinski Mark & Johnson, P.A., Suite 400, 775 Prairie Center Drive, Eden Prairie, MN 55344, for Defendant

---

Oral argument was held in the above matter on February 6, 2020 on Plaintiff's Motion to Amend Complaint [Docket No. 36].

The Court, being duly advised in the premises, upon all of the files, records and proceedings herein, and for the reasons stated on the record at the hearing, the Court denies the motion as futile. In sum, District Court Judge Wilhelmina Wright previously dismissed the claim as time-barred. Plaintiff's proposed amendment pleads no new facts and no different conduct. Regardless of how artful the pleading, Plaintiff still alleges an intentional tort which is governed by the 2-year statute of limitations, which bars the claim as stated in Judge Wright's order.

IT IS HEREBY ORDERED that Plaintiff's Motion to Amend Complaint [Docket No. 36] is DENIED.

Dated: February 6, 2020

s/David T. Schultz  
DAVID T. SCHULTZ  
United States Magistrate Judge